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STATUS OF PREPARATION OF PUBLICATIONS, STUDIES AND DOCUMENTS FOR THE WORLD CONFERENCE

Addendum

Contribution of the Economic Commission for Latin America and the Caribbean

Economic and social rights and productive transformation with equity in Latin America and the Caribbean

I. INTRODUCTION

1. The present note represents a response to the invitation by the Secretary-General of the World Conference on Human Rights to the Economic Commission for Latin America and the Caribbean (ECLAC) to contribute to thinking on the economic and social dimensions of human rights with a view to the holding of the World Conference on Human Rights in Vienna, Austria, in June 1993.

2. The Regional Meeting for Latin America and the Caribbean, held in San José, Costa Rica, from 18 to 22 January 1993, emphasized in its final Declaration that "the interdependence and indivisibility of civil, political, economic, social and cultural rights are the basis for consideration of the question of human rights, and therefore the exercise of some cannot and must not be disallowed on the pretext that full enjoyment of the others has not yet been achieved".

3. It went on to say "the right to development is an inalienable human right, as established in the Declaration on the Right to Development, adopted by the General Assembly in its resolution 41/128 of 4 December 1986". It further stressed that "The international community must take measures as soon as possible for the realization of this right through appropriate mechanisms which take account of the right to development in a healthy and ecologically balanced environment as a universal right, in accordance with the Rio Declaration."

4. Taking the foregoing into account, ECLAC proposes in the future to extend its thinking and proposals to the sphere of human rights, and essentially their economic and social dimensions. The observations set forth below merely constitute the commencement of such thinking.

II. ECONOMIC AND SOCIAL RIGHTS AND PRODUCTIVE TRANSFORMATION WITH EQUITY

5. In the legal instruments of the United Nations, the use of the term "human rights" usually covers not only the civil and political rights to individual freedom, but also economic, social and cultural rights. Nevertheless, the ordinary citizen's initial reaction to this term - whether calling for the protection of human rights or referring to their violation - evokes dramatic images of torture, disappearance, persecution, discrimination, limitations on freedom of expression or the arbitrary use of public authority vis-à-vis civil society.

6. For this reason, during the institutional lifetime of the United Nations, there has been a certain tension in the handling of the question of the fundamental freedoms of persons and communities in relation to the question of economic and social development. On the one hand, there has been a tendency to separate the economic and social sphere from the political sphere, with the idea that economic cooperation was the less "confrontational" of the two, and hence that which could more easily attract international cooperation. On the other hand, the efforts to make respect for civil and political rights subject to a regime of international cooperation tended to divide more than to unite.

7. In addition, the Charter of the United Nations closely links the subject of human rights with economic and social questions. Thus, already in the Preamble, the Charter resolves: "to promote social progress and better standards of life in larger freedom". Further, the subject as such is dealt with in Chapter IX entitled "International economic and social cooperation". Lastly, the Commission on Human Rights, established under the Charter, forms part of the Economic and Social Council.

8. The close link between the two subjects is also reflected in the Universal Declaration of Human Rights, which was proclaimed on 10 December 1948, and in the International Covenant on Economic, Social and Cultural Rights (1966). The latter instrument commits States which have ratified it to recognizing and observing a wide range of rights relating to social security, access to work and satisfaction of basic needs and, in general, the right to an adequate standard of living.

9. If the broader view of human rights is accepted as including economic, social and cultural rights, it could be maintained that the progress achieved

in democratization in the countries of the region has been partially offset by certain lapses in recent years. Thus, for example, there has been a substantial increase in the incidence of poverty: in 1980, 136 million Latin Americans - 41 per cent of the total population - were living below the poverty line; by the end of the decade, the number of people in that situation had risen to 195 million, more than 45 per cent of the population. There has been a similar trend with regard to absolute poverty, which increased from 19 per cent in 1980 to 22 per cent in 1990. In the same connection, the information available suggests that in most countries the already inherently imbalanced structure of income distribution in the 1970s tended to worsen during the 1980s.

10. One of the questions which, from the standpoint of Latin America and the Caribbean, requires an urgent response is how to reconcile the tangible progress in civil and political rights with the lapses in economic and social rights. In this connection, it should be accepted that avoiding the violation of the civil or political rights of individuals and communities is not the same as ensuring fulfilment of "the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions". 1/ The first falls within the ethical, cultural, political and institutional domain of a society; the second also has an effect on the allocation of resources. Even though political and civil rights and economic and social rights may have a different legal status as regards their character, assertability and protective machinery, both categories of rights form part of an overall view of development and of an overall view of the fundamental rights of individuals.

11. Without progress in economic and social rights, civil and political rights, which have been attained with such difficulty, tend to become a dead letter for the sectors with least resources and lowest levels of education and information. Today it is abundantly clear that these sectors have much greater difficulty in gaining access to justice and opportunities of defending themselves against abuse by third parties or the State. Poverty and the non-exercise of citizenship very often go hand in hand. Changing this situation is a fundamental necessity in order to stabilize the democracies of the region and to achieve genuinely universal citizenship.

12. Considering that development is a prerequisite for safeguarding civil and political rights, ECLAC has begun to respond to the challenge of how to make progress, simultaneously, in achieving environmentally sustainable growth, with greater equity and in democracy. Under the generic title "Productive transformation with equity", we have since 1990 prepared a series of studies which seek to stimulate an enlightening debate on a coherent frame of reference for Latin American and Caribbean development. 2/

13. The focus of this undertaking is productive transformation, based on the deliberate and systematic incorporation of technical progress, and aimed at achieving rising levels of productivity and generation of productive employment. Development based on technical progress which makes possible improved international integration leads to higher incomes, requiring a rise in the level of education and conditions of health and housing (in other

words, more and better human capital), and at the same time to a transformation of the relations existing within the enterprise, all of which helps to increase equity.

14. The attainment of these goals requires a systematic approach, by means of which, in addition to maintaining macroeconomic balances and correct prices, it is possible to undertake selective activities of a sectoral nature, together with institutional innovations which will enable the economic agents to coordinate their efforts to reconcile equity and growth. In accordance with this systematic approach, the observance of the civil and political rights of the population plays a leading role, since what is required is a context of social cohesion and stability in which development will necessarily take place.

15. Even though much economic thought commonly focuses on possible clashes between growth-oriented policies and policies aimed at achieving better income distribution, ECLAC has laid stress on the complementarity between strategies and policies designed to achieve both growth and equity. If public policies were grouped in separate categories, arranged according to the compatibility or antagonism between their objectives of growth and equity in the short and long terms, it would be seen that the group of policies with possibilities of complementarity is larger than that of countervailing policies. This fact is of fundamental importance for ECLAC's integrated approach.

16. We thus maintain that growth and equity are the products of both economic policy and of social policy. The idea that economic policy has to aim at sound growth while it is for social policy to focus on the problem of distribution has to be overcome. Neither policy is neutral in terms of distribution, and both influence the capacity for growth. For this reason, we propose an integrated approach, in which public policy as a whole simultaneously supports productive transformation and equity. This integrated approach is also applicable to civil and political rights, on the one hand, and to economic and social rights, on the other.

17. All the foregoing stems from recognition of the fact that the formulation and implementation of economic strategies and policies will have to take place in a democratic, pluralist and participatory context. This influences the content and scope of economic policies and strategies, the way in which these policies are formulated and implemented, and the forms of interaction between public and private players. This is also recognized in the San José Declaration, which states that "the defence and strengthening of representative democracy constitute the best guarantee of the effective enjoyment of all human rights".

18. To sum up, ECLAC now provides an analytical framework which integrates productive modernization, international competitiveness, equity, and pluralist and participatory political systems. The principal conclusion of this analysis is that growth with equity, in democracy, is not only desirable but also possible. This means that it is also possible to respond both to the civil and political rights to individual freedom, and to economic, social and cultural rights.

19. Particular consideration is required by the situation of the indigenous peoples, who constitute an essential factor in the region's population and culture. The systematic approach to development proposed by ECLAC presupposes far-reaching changes in the situation currently confronted by the indigenous peoples of the region. As we well know, these peoples are heavily over-represented in the poverty and exclusion indices: in many places they have no legal recognition, no legislation to protect them against the pillaging of their resources, and no mechanisms to ensure their participation in solving the problems affecting them, and enjoy no respect for their specific cultures and identities.

20. In order to make progress in their productive modernization with equity and the establishment of stronger democracy, Latin America and the Caribbean need the full participation of the indigenous peoples in the productive effort and in terms of citizenship. This entails establishing a capacity for society as a whole to recognize the Indian peoples' demands both for identity and for development along jointly agreed paths which ensure respect for their rights, mutual recognition of the permanence and enrichment of their culture, and harmonious and complementary economic development.

III. CONCLUSIONS

21. A first conclusion that may be reached from the standpoint of Latin America and the Caribbean in relation to the links between the rights to individual civil and political liberty, on the one hand, and the rights to economic, social and cultural development, on the other, relates to the disappearance of the reasons which existed in the past for separating the treatment of these subjects in the various United Nations forums. The consolidation of pluralist and participatory political regimes and the profound significance which the end of the cold war has had for the region make viable the integral approach to political, economic, social and cultural questions.

22. This brings the practice of the intergovernmental forums closer to the letter of the above-mentioned formal instruments. Even more important, the approach taken is more realistic, given the multiple links and mutual effects which obviously exist between respect for the civil and political rights to freedom of individuals and their right to a higher level of material and spiritual well-being. It may, in fact, be asserted that it is not possible to conceive of economic development without full respect for human rights; at the same time, it is difficult to seek to safeguard human rights without sustainable progress over time in the areas of economic and social well-being.

23. A second conclusion is that, on the basis of this close link, ECLAC's proposal to tackle the priority tasks relating to development in the region in the 1990s is by no means neutral vis-à-vis the exercise of human rights in all their dimensions; it regards these rights as a prerequisite for achieving development.

24. Only through the exercise of full citizenship will it be possible to bring about, democratically and through the participatory construction of consensus, the social cohesion essential in order to achieve development in the present conditions of the world economy. This exercise in citizenship

comprises the most traditional civil and political rights, together with economic and social rights and the new rights relating to the environment, consumption and participation.

25. A third conclusion relates to the need to examine more closely the conceptual structure of the links between productive transformation with equity and human rights, particularly in their economic and social dimensions, in order to establish their mutual implications both for development proposals and for the legal framework which this process requires.

The San José Declaration postulates in this connection various questions relating to equity, vulnerable groups, and social and economic obstacles to the exercise of citizenship, on which work must continue.

To this end, ECLAC has set itself the task of developing collaboration with the Inter-American Institute of Human Rights and other human rights institutions in order to make progress both in the conceptual approach to these questions and in the formulation of proposals which may be of use to the Governments of the region in ensuring the effective fulfilment of economic and social rights in a context of growth with equity, democracy and sustainability.

Notes

1/ Article 11 of the International Covenant on Economic, Social and Cultural Rights.

2/ ECLAC, Transformación productiva con equidad. La tarea prioritaria del desarrollo de América Latina y el Caribe en los años noventa (LC/G.1601-P), Santiago, Chile, March 1990, United Nations publication, Sales No. S.90.II.G.6.; ECLAC, El desarrollo sustentable: transformación productiva, equidad y medio ambiente (LC/G.1648/Rev.2-P), Santiago, Chile, May 1991, United Nations publication, Sales No. S.91.II.G.5.; ECLAC, Equidad y transformación productiva: un enfoque integrado (LC/G.1701 (SES.24/3) and Corr.1), Santiago, Chile, April 1992; ECLAC/UNESCO Regional Education Office for Latin America and the Caribbean, Educación y conocimiento: eje de la transformación productiva con equidad (LC/G.1702 (SES.24/4)/Rev.1), Santiago, Chile, April 1992.